

**ATTACHMENT # 1**

**Dr Bennetts Report of Inspection of Scudder Aviary (700-900 Birds)**

Dr. Bennett Report

JUL 14 03 04:00p THE HUMANE SOCIETY 253 5723578 p. 3  
Friday, March 07, 2003 3:16 PM Tracy Bennett, DVM (206)703-1679 p.02

**2A**

To: Wally Hall  
Pierce County Animal Control

From: Tracy Bennett DVM Diplomate ABVP – avian

Re: Martha Scudder's Aviary

Dear Wally, here is my summary of observations and recommendations regarding our visit to Mrs. Scudder's aviary.

**Housing - Deficiencies in this area include:**

1. Enclosures inside the home too small for size of bird.
2. Many enclosures both inside and out do not include perches at all and almost none have adequate perches. Adequate perches are those that are appropriately sized for the size of the bird and numerous enough to allow the bird mobility without having to stand on the wire bottom of the cage.
3. Cleanliness is lacking both inside and out with huge amounts of feces collecting on the cage bottom, perches (when present) and in the food and water containers.
4. The outdoor cages are suspended over mud, standing water and rotting vegetation. These conditions favor the proliferation of many disease causing organisms such as fungal spores and water born bacteria like *Klebsiella sp.* With the threat of West Nile virus entering this area I am concerned the mosquitoes will find excellent breeding grounds here.
5. No heat is provided in the outdoor cages and although the ventilation is better than the indoor cages, it is still poor in both areas.

**Diet - Deficiencies include:**

1. Black oil sunflower seeds are a staple of the diet. Sunflower seeds are extremely high in fat, approximately 57% according to the USDA. The correct level of fat for a non-breeding parrot is around 5% and that is the level of fat contained in formulated diets. Since many of these birds are actively breeding and living outdoors these individuals need around 15% -20% fat, still far below the 57% contained in black oil sunflower seeds.
2. The other portion of the diet appears to be a grain mixture, which may be obtained from a feed store (I was unclear about this, when I asked her). Grains are a fine addition to a psittacine diet but should not be obtained from sources meant for farm animals. Food for farm animals (horses, cows etc.) is often tainted with aflatoxins (fungal toxins), which are very deadly to birds.
3. No fresh fruit or vegetables were included in the diet.

**Water -**

1. Water dishes when used are often contaminated with a large amount of fecal material. Water bottles when used were not clean and appeared to be growing algae. The drip system in use is rusted throughout and ruptured in some places. Additionally, in many of the cages I did not witness them dripping at all.

**Medical care -**

**Washington statute 16.15.207**  
(2) An owner of an animal is guilty of animal cruelty in the second degree if under circumstances not amounting to first degree animal cruelty in the second degree, the person knowingly, recklessly, or with criminal negligence (a) Fails to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure



2c

- 4. Needs to improve cleanliness both inside and out, particularly feces removal. Outside cages contained very large accumulations of feces indicating cleaning was not performed regularly. Removal of fecal material from the outdoor cages should occur weekly. Inside cages should be cleaned at least bi-weekly. Water and food dishes should be cleaned daily and should not be placed where the bird defecates.
- 5. Standing water and rotting vegetation should be removed from underneath the outdoor cages.

Diet -

- 1. The base diet should consist of a formulated paittacin diet. The breeding pairs should be fed a formula specific for those animals, such as the one made by Zupreem.
- 2. Low fat grains, fruit and vegetables should be offered and should be obtained from a human or parrot specific source (not from a feed store).

Medical care -

- 1. Mrs. Scudder should develop a relationship with a local veterinarian who has expertise in the field of avian medicine. This individual should be licensed in the state of Washington and be willing to develop a care program with Mrs. Scudder. Bi-annual visits would be a minimum in my opinion with this many animals on the premises.

Water -

The drip system should be replaced in the outdoor aviary. When water bowls are used they should be cleaned and refilled daily and placed in an area where the bird is unlikely to defecate. Water bottles when used should also be cleaned regularly with a bottlebrush and/or safe disinfectants to prevent bacterial and algal growth.

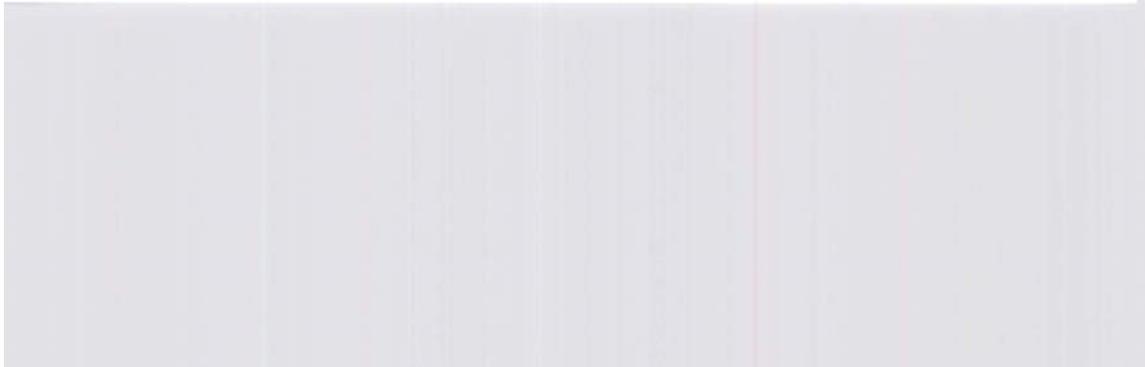
General recommendations -

I feel the best course of action for Mrs. Scudder would be to place in approved rescue facilities the majority of her flock. Alternatively, selling some of the healthy individuals to approved facilities and placing those with health problems could also be a viable option. Mrs. Scudder simply has too many birds to care for and should reduce the number to fewer than 100. I do not think Mrs. Scudder has the resources to care for the number of birds she has in an acceptable fashion. I feel that you and myself should approve any facility that takes or buys these animals so that we don't create a frying pan/fire situation. I think if she got her flock down to a reasonable size she could make the required changes.

Please call with any additional questions,

Sincerely,

*Tracy Bennett DVM*  
Tracy Bennett DVM Diplomate ABVP - avian



**ATTACHMENT # 2**

**Statement Filed (by the Director of one of the largest Exotic Bird Sanctuaries on the West Coast) in  
Pierce County Superior Court in Support of a Warrant to Enter and Inspect Cripple Creek Aviary  
(a 300 Bird Aviary)**

**THE COCKATOO RESCUE AND SANCTUARY  
3132 212th ST NW  
Stanwood, Wa 98292**

Lori Rutledge  
Director  
360 654-1538

The following is my testimony for the complaint I filed with  
Pierce County Humane Society and Animal Control regarding Cripple  
Creek Aviary and Jonna and Tom Kelley, owners.

I visited the aviary on November 18, 2001. I was asked by a friend to  
pick up 17 parrots that she had on loan at Cripple Creek Aviary. I am  
horrified with the conditions that the Kelley's are keeping these rare  
parrots.

All of the birds that I saw are on the U.S. Fish and Wildlife endangered  
Species list. They are threatened with extinction and it is imperative  
that they be kept healthy, their species survival depends on it.

I have been working with parrots for over 15 years. I have been to  
many different breeding facilities and farms. This is by far, the worst  
environment I have seen. I believe that the birds at this facility  
are in need of immediate Veterinary Care if they are to survive.

The Kelley's just started breeding 2 years ago. The birds at this farm  
were in excellent condition during my visit to this facility just prior  
to the Kelley's purchase. The birds that were alert, energetic and full  
of mischief 2 years ago are now, lethargic, quiet and emaciated. I  
am so sickened by what I saw that I filed this plea for Humane Society  
Animal Control intervention. The Kelley's are not receptive to my  
suggestions for upgrading their facility.

I witnessed:

- \* Emaciated, weak and very ill birds. The birds I removed were too  
weak to hold their own food.
- \* Filthy cages that had feces 6" high on the bottoms of their cages  
next to their food bowl. The sides of the cages were caked with  
excrement so, as the bird climbs down to their food bowl they  
contaminate their feet. They could not avoid ingesting the bacteria  
/feces since they hold food with their feet.
- \* No water available
- \* Inadequate amount of food.
- \* Food was not nutritious.
- \* Wet nestboxes.

page 2

- \* No heat in building. Parrots that are ill and underfed like these, cannot survive our winters.
- \* Damp and wet environment. Parrots are susceptible to disease from wet moldy buildings.
- \* E-Coli was found in the birds removed from the facility.
- \* The building and birds smelled like animal feces and mold. Parrots parrots have very delicate respiratory systems. That is why miners took birds into the mines. The birds die before humans can sense a problem. Teflon pans emit a odorless gas that we cannot detect but it kills birds.
- \* The cages had "blindens" on the sides to prevent the birds from seeing anything. I feel that blindens are the equivalent to a sheet over the cage. I think that it is cruel to isolate any animal from mental stimulation.

The birds that I removed from the Kelley's have been gorging on food. I believe it is because they were starved. They are responding well to antibiotics and unlimited food.

Please move quickly. I am sure that many will die if not treated soon.

Sincerely,

Lori Rutledge

**ATTACHMENT # 3**

**Dr Kimaka's Report on Cripple Creek Bird (Examined immediately after removal from Cripple Creek).**

Dec 09 02 10:04a

Tracy Bennett, DVM

(206) 783-1679

p. 2

**BIRD & EXOTIC CLINIC OF SEATTLE**

1546 NW Market St.  
Seattle, WA 98107  
(206) 783-4538

To Whom It May Concern:

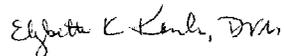
December 4, 2001

On November 19, 2001 I examined two Scarlet macaws, a male & female. They were brought in by Lori Rutledge of Cockatoo Rescue. Lori stated that she had acquired these birds from Jonna Kelly the night before.

On physical examination both birds were very thin and had extensive feather plucking of the body and extremities. They both had wing tattoos indicating gender. The female also had a ruptured cervical air sac and large bruise on the crop. Bloodwork and cultures were performed on both birds. Results indicated severe bacterial infections. Both birds were started on antibiotic therapy and are responding well to treatment.

Please feel free to contact me with questions.

Sincerely,



Elizabeth K. Kamaka, DVM

***Washington statute 16.15.207***

(2) An owner of an animal is guilty of animal cruelty in the second degree if under circumstances not amounting to first degree animal cruelty in the second degree, the person knowingly, recklessly, or with criminal negligence (a) Fails to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure

Bird and Exotic Clinic of Seattle  
Avian Exam

Date 11/19/10

Owner's Name: \_\_\_\_\_ Bird's Name \_\_\_\_\_ Species Scarlet macaw

Color: \_\_\_\_\_ Markings: \_\_\_\_\_

S: Hatch date unk Sex m Purchased From Jonna Kelley

Length of ownership last PM Other Birds in Household yes

DIET Seed

SYMPTOMS thin

Microchip Yes/No No Polyoma vaccinated Yes/No No DNA Yes/No No

Services Requested Avian panel, chest

1582  
483

WEIGHT 102g Chlamydia Testing Accepted Decline Hand Outs Given Yes/No No

O: Eyes/Ears N Nares N Choana red track

Crop N Heart/Lungs N

Abd N Vent N MS Ac at wing tip

Feathers plucked - head, chest, abdomen Neuro N

Comments tattoo @ wing

A: wing thin

P: Avian panel D Vit B / Inj IM D

Chemical/clinical CS D Baytril 0.75 IM D

Univ of GA - not send D K ba

R Baytril 1 bottle

11-19-10  
Results: WBC-4700 ↓, hct-26.3, hgb-4.7, chem-TP-6.6 ↑  
Cautions Baytril - heavy E. coli (E) @ 24 hrs -  
call w/question  
D



Bird and Exotic Clinic of Seattle  
Avian Exam

Date 11/19/01  
Owner's Name: \_\_\_\_\_ Bird's Name \_\_\_\_\_ Species Scarlet macaw

Color: \_\_\_\_\_ Markings: \_\_\_\_\_  
S: Hatch date unknown Sex MALE Purchased From Parrot Farm Kelly

Length of ownership last PM Other Birds in Household yes

DIET seed  
SYMPTOMS thin, swollen crop large bruise

Microchip Yes  No  Polyoma vaccinated Yes  No  DNA Yes  No

Services Requested exam, avian panel, xray

WEIGHT 865 gm Chlamydia Testing Accept  Decline Hand Outs Given Yes  No

O: Eyes/Ears N Nares N Choana N

Crop inflated air sac Heart/Lungs N

Abd to base w/ xray Vent N MS BC 2<sup>+</sup> - very thin

Feathers plucked - head, chest, abd, legs Neuro N

Comments to base <sup>with</sup> xray

A: very thin, feathers plucking, crop/air sac tension

P: Avian panel  Vit B / Ly: AMA

Chem/clinical OK Bayfil D-666 MHA

Sample to Virus OK - not sent Dr. Keller

U: Bayfil  
11.19.01 Results: CBC - 17,800 R - heles - 87%, lymph - 10%, TP - 8.7 ↑ - 2° to infection;  
cult - mixed flora @ 24 hrs but culture Bayfil anyway

1546  
983

Phoenix Central Laboratory  
11620 AIRPORT RD, SUITE 100  
EVERETT, WA 98204-3742  
(800)347-0043  
(425)355-5252

BIRD & EXOTIC - SEATTLE\*\*  
FAX: 1-206-783-1679  
1546 N W MARKET  
SEATTLE, WA  
98107 (206)783-4538

PATIENT: RUTLEDGE, NO NAME  
AGE: SEX: F SP: A SAMPLE ID: 11119237  
BREED: S MACAW NEUTERED: DRWN: 11/19/01  
RCVD: 11/20/01  
PRNT: 11/20/01

ATTENDING DVM: KAMAKA

\*\* COMPLETE REPORT \*\*

| TEST NAME             | NORMAL | OUT OF RANGE | UNITS | REFERENCE RANGE                          |
|-----------------------|--------|--------------|-------|--|
| Avian Panel           | .....  |              |       |  |
| Avian/Reptile CBC     | .....  | 17.8 H       | K/uL  | 6.0-17.0                                 |
| White cell count      |        |              | %     | 42-57                                    |
| Hematocrit            | 48     |              |       |  |
| Differential          |        |              |       | M O R P H O L O G Y                      |
| C O U N T S (ABS) / % |        |              |       | ANISO<br>POIKILO<br>MICROCYT<br>PLATELET |
| Baso                  | 0      | 0            |       | MACROCYT                                 |
| Eos                   | 356    | 2            |       | POLYCHRO                                 |
| Bands                 | 0      | 0            |       | HYPOCHRO                                 |
| Polys                 | 15486  | 87           |       |  |
| Lymph                 | 1780   | 10           |       |  |
| Monos                 | 178    | 1            |       |  |
| Glucose               |        |              |       |  |
| Calcium               |        |              |       |  |
| Total Protein         | 294    |              |       |  |
| AST                   |        | 1323 H       |       |  |
| CK                    | 243    |              |       |  |
| Cholesterol           | 3.6    |              |       |  |
| Uric Acid             | 9.0    |              |       |  |
| Bile Acids            | 3      |              |       |  |
| Chemistry Comment     |        |              |       |  |

TOTAL 17800  
 Platelet estimate adequate.  
 RBC morphology normal

|     |        |          |
|-----|--------|----------|
| 249 | mg/dl  | 180-400  |
| 8.7 | mg/dl  | 8.0-13.0 |
|     | g/dl   | 2.5-5.8  |
|     | u/L    | 100-350  |
|     | u/L    | 100-300  |
|     | mg/dl  | 150-275  |
|     | mg/dl  | 3.5-12.0 |
|     | umol/l | 1.0-75.0 |

Chemistry concentrations have been multiplied by the dilution factor indicated in the Chemistry Comment result field.

End of Report

**ATTACHMENT # 4**  
**Photos Of Cripple Creek Aviary**



**These pictures show housing and procedures that under any reasonable persons interpretation would be considered gross animal abuse.**

**The picture to the left shows plastic, which was used to isolate birds so as to not be distracted from breeding. This practice is considered by most reputable breeders to be extremely cruel because of the sensory deprivation.**



**The picture at the left shows the overgrowth of vegetation, which is at least 2 years old. Under the vegetation is the heating unit for these 2 large buildings, which clearly hadn't worked in at least that 2-year period. This meant that the only 2 buildings at Cripple Creek with heat went unheated due to lack of basic facilities maintenance. This is also born out by the condition of the buildings.**

**ATTACHMENT # 5**  
**Statement From a PAWS Animal Advocate After Seeing The Scudder aviary**

PAWS ADVOCATE  
STATEMENT

I am an intern in the Advocacy Department at the Progressive Animal Welfare Society in Lynnwood, Washington. I have previously volunteered as a Bird Nursery Caretaker in PAWS' Wildlife Department and I have worked with a scarlet macaw re-introduction project in Costa Rica.

PAWS' Advocacy Department had received several complaints about the conditions of exotic birds at a couple of aviaries in the Roy area, including the Scudder aviary belonging to Martha Scudder. I wanted to check out the conditions myself to see if any further action needed to be taken so I called Mrs. Scudder. I told her I was looking for a breeding pair of umbrella cockatiels. She invited me out to look at some baby parrots she was hand-feeding in her house but informed me that the aviary itself was "closed for the winter." Donna Diduch, another intern, and I visited Mrs. Scudder at her home located at 2002 at 10013 332nd St. S. on December 19th, 2002. Prior to our visit I spoke with Dr. Tracy Bennett, a board certified avian vet. She informally advised me on signs of distress and disease common to captive birds.

Upon our arrival we entered the ground floor of her home where a caretaker lives with his young daughter. The room next to their bedroom houses approximately 25-30 exotic birds in cages. The room was dark, filthy and cold. It also smelled of feces. In one cage there was a small green parrot supporting its entire weight on its keel. Its mouth was agape and seemed to be gasping for air. Upon inquiry, Mrs. Scudder informed us that the bird was born deformed and had been living in these conditions for 4 years. She asserted that the bird was not in pain or distress and needed no medical attention. The next room was equipped with approximately 5 incubators which held immature, juvenile and injured parrots.

Up a flight of stairs we entered Mrs. Scudder's living area. Bird food, feathers and feces littered the hard wood floors, carpeted stairs and area rugs. A large group of dogs accompanied our movements. Several of the parrots had very unkempt, greasy-looking feathers which Dr. Bennett warned me could be a sign of malnourishment and/or liver disease. Indeed, Mrs. Scudder verified that she feeds the birds a diet consisting mostly of seeds and nuts, which according to Dr. Bennett contain more fat than the birds' bodies can safely handle.

One cage housed a wild mourning dove that she had found with what she thought was a broken wing several months prior and has not released as required by law.

Also, one of the birds bit my finger and broke the skin. We witnessed Mrs. Scudder smack a bird as well.

**ATTACHMENT # 6**  
**Report of Humane Society Inspection at the Binning (Elron Aviary)**

**Activity**

File Windows Commands Procedures Reports Help

Ready

Activity No: A03-071807    Seq: 1    Type: INV    Subtype: NEG    Priority: 3    Total: 40    Type: BIRD    Tag No:

Caller ID: P

No: 7222    Dir: 193RD    Name: AVE    Type: E    Qdt:    Apt:    Phone: 253-    Geo: 7    PIERCE CO

BONNEY LAKE    WA    98390    Activity Search    License Search

Comment: BIRD FECEES EVERYWHERE NOT FED & WATERED.    Danger

Owner ID: P140285    RONALD BINNING 8623905 7222 193RD AVE BONNI

Animal ID: A

| Qty | Result | Qty | Result | Qty | Result | Qty | Result | Clerk ID | Officer ID | Status    |
|-----|--------|-----|--------|-----|--------|-----|--------|----------|------------|-----------|
| 1   | MC     | 1   | OBSRV  | 1   | RPRT   | 0   |        | STEPHANI | P999110    | COMPLETED |

| Seq | Type  | Caller ID | Phone No | Owner ID | Animal ID | No   | Di |
|-----|-------|-----------|----------|----------|-----------|------|----|
| 3   | INV   |           |          | P140285  |           | 7222 |    |
| 2   | INV   |           |          | P140285  |           | 7222 |    |
| 1   | INV   |           |          | P140285  |           | 7222 |    |
| 1   | STRAY | P184029   | 8917110  | P167681  | A237120   | 7211 |    |

|          |                |
|----------|----------------|
| Call     | 03/17/03 11:41 |
| New      | 03/17/03 11:41 |
| Dispatch | 03/17/03 11:41 |
| Working  | 03/17/03 12:25 |
| Complete | 03/17/03 13:05 |

## ATTACHMENT # 7

### Letter from A Bird Store that Purchased Scudder Aviary Birds and Had her Shop Quarantined due To The Presence of Psittacosis in a Scudder Aviary Bird Purchased by the Shop

**Larry Gallawa**

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**From:** flanagan family [flanaganfam@comcast.net]  
**Sent:** Tuesday, December 30, 2003 8:13 PM  
**To:** "larryg@blarg.net"@mail.blarg.net  
**Subject:** hello

Hello, I would like to take a moment to introduce myself. My name is Genitee (Tigger) Flanagan, I am the owner of the Birdcage in Federal Way. I just got wind of your petition and took a look. I wanted to let you know that I agree with what you are doing. I know martha and think she is a nice lady but has got allot on her plate so to speak. I got a bird from her back in September that died from psitticosis, as you probably know. Because of this I was put on quarantine by the Humane Society for 45 days. I did my time and have learned a very expensive and valuable lesson not just about the Scudders. I have learned that no matter how hard you work to keep everything clean and do your best. Shit happens. I have learned that from now on all my birds are quarantined off site and tested by WSU. I believe I was an innocent person to the "Scudder situation". I think what you are petitioning needs to be done for the sake of all involved. Please feel free to visit any time.

The Birdcage  
33427 Pac. Hwy. S.  
Federal Way WA 98003

Tigger

## ATTACHMENT # 8

### Letter from the King County Health Department Confirming the Quarantine (mentioned above) due to Psittacosis

**Larry Gallawa**

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**From:** Hopkins, Sharon  
**Sent:** Monday, October 20, 2003 8:50 AM  
**To:** 'Larry Gallawa'  
**Subject:** RE: Pet store in Federal Way

Larry--Thank you for your return e-mail. I would like to know the details of the Blue and Gold Macaw sale and which veterinarian was said to have done the veterinary examination if you are able to obtain this information.

Wednesday of last week I received a report from a veterinary laboratory confirming avian chlamydia in several birds from The Bird Cage. This is a disease known as psittacosis in humans, and it can potentially be transmitted from sick or carrier birds to people. Symptoms in humans are flu-like, including chills, muscle aches, fever, and cough. On 10/16 I visited the shop and instituted a 45 day quarantine. All birds have been removed from the public areas of the shop and are on 45 days of medication for chlamydia; cages, floors and furnishings in the shop are to be disinfected thoroughly (this was to be done on Saturday). No birds can be bought, sold or boarded during the quarantine period. I will be monitoring compliance with these measures and am in touch with the veterinarian used by The Bird Cage who is treating the birds. I will visit the shop again at the end of the 45 day quarantine and assess whether the shop can re-open for bird sales. I'll also be working with the owner to improve conditions and infection control procedures at the store.

Again, thank you for your concern and any further information that you can provide.

Sharon G. Hopkins, DVM, MPH  
Public Health--Seattle & King County  
206-296-4880

-----Original Message-----

From: Larry Gallawa  
To: Hopkins, Sharon  
Sent: 10/16/03 4:27 PM  
Subject: RE: Pet store in Federal Way

**ATTACHMENT # 9**

**E Mail from Pierce County Humane Society denying access to public documents that were legally requested under the Freedom of Information Act and Public Disclosure Laws of the State of Washington. Numerous requests to PCHS and Pierce County officials were denied or ignored by those agencies.**

**Larry Gallawa**

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**From:** Phil Olson  
**Sent:** Tuesday, June 17, 2003 11:41 AM  
**To:** 'Larry Gallawa'  
**Cc:** Wally Hall; Steve Pierce  
**Subject:** RE: Freedom of Information request

Mr. Gallawa: The Humane Society will not honor your request for information detailed in your email of June 16, 2003. Phil Olson, Associate Director

-----Original Message-----

**From:** Larry Gallawa [mailto:larryg@blarg.net]  
**Sent:** Monday, June 16, 2003 4:24 PM  
**To:** philo@thehumanesociety.org  
**Subject:** Freedom of Information request

Originally sent on May 19, 2003  
Resent on June 16<sup>th</sup> 2003  
No Record of receipt at Phil's Computer

I have been involved in animal rights for a few years now. I have tried without success to improve living conditions for a number of exotic birds. In this role I have had communications with the Pierce County Humane society. I have attempted to get information from you on the Cripple Creek Aviary and was refused. I am now aware that an inspection was made at the Scudder aviary and that a board certified avian vet made a list of improvements that were necessary for the well being (including reducing the flock size) of the exotic birds at the aviary. You are required to maintain an index of records and provide that index upon request.

I am now formally requesting that you supply me with a copy of that index as it applies to the Scudder Aviary operation.

I am also requesting a copy of Dr Tracey Bennets report as submitted to you.

I am also requesting a copy of the letter that was sent to the Scudder Aviary outlining modifications that are required by the humane society as a result of the ongoing investigation.

I am also requesting copies of all documents, correspondence, reports and any other documents or notes pertaining to the Scudder situation past and present.

Please do not think that because this is an e-mail that it isn't binding upon you. Under "Wood v. Lowe, 102 Wn. App. 872, 878 (2000) State courts have ruled that the request requires no particular form of request. Requests can be made in person or by fax, phone, mail or e-mail. Additionally there is no need to show cause for a request RCW 42.17.270; Mercer Island Sch Dist. No. 400 v. Seattle Times Co

Larry Gallawa

## **ATTACHMENT # 10**

### **List and Description of Documents presented to the Pierce County Council Representatives on September 4, 2003 Meeting**

There are thousands of exotic birds of varying species in Pierce County being housed in poorly ventilated, unheated facilities that aren't adequate for any living creature. In addition to the horrific housing conditions there are massive problems with diet, fecal contaminated water and food supply and total lack of qualified veterinary care in these breeder facilities. The documents included in this package are intended to cast a light on a situation that can only be described as animal abuse on a massive scale. Items included in this documentation include. For a full list please see the Summary sheet following this page.

- Reports from Board certified Avian Vets attesting to life threatening medical conditions of animals at Cripple Creek Aviary.
- Reports from Board certified Avian Vets attesting to the horrific conditions at Scudder Aviary.
- Depositions from the director of the Cockatoo rescue and Sanctuary in Washington attesting to the disgusting conditions at the Cripple Creek Aviary
- Letters from people who have had their birds stolen by the owners of Cripple Creek Aviary. Demands for the return of these birds have been ignored. The Pierce County Sheriffs office has suggested that the theft of these endangered species birds with a value well in excess of \$30,000.00
- Criminal complaint filed with Pierce County Sheriffs office regarding above-mentioned thefts.
- Photos of Cripple Creek Aviary. These photos and camcorder films were taken 1 week after the owners of Cripple Creek abandoned their operation under an eviction notice. The pictures were witnessed by Mr. Rasmussen (Attorney at Law) and his client the previous owner of the aviary, Frankie Davidson, both of who will testify to the accuracy and timing of the photos. The access to the facility was granted by court order. The evicted parties removed 300 birds when they abandoned the facility. These birds have yet to be located.
- Statements from representatives of PAWS (Stephanie Beecroft) as to abusive conditions at the Scudder Aviary.
- Report from Pierce County Humane Society inspector of the Benning Aviary in Bonney Lake.
- Navigator non-profit agency rating service evaluation of Pierce County Humane Society.
- Information on a few of the species of birds that are being kept in these conditions.

**ATTACHMENT # 11**  
**Letter From PETA Cruelty Caseworker (Domestic Animal Issues & Abuse Department)**

October 22, 2003

Wally Hall, Chief of Investigation  
Pierce County Humane Society  
2608 Center Street  
Tacoma, WA 98409

**5 pages via facsimile: 253-572-3670**

Dear Mr. Hall:

Thank you for discussing with me Martha Scudder's aviary, reportedly located at 10013 332<sup>nd</sup> St. S., in Pierce County. Per your request, I've attached the report drafted and signed by Avian DVM Tracy Bennett subsequent to her reported March, 2003 visit to the facility in question (our own conversation with Dr. Bennett confirms that she indeed penned this report). Please kindly confirm for us that you have received this extensive report addressed to your attention.

Needless to say, we remain extremely concerned by the report's description of the birds and their living conditions in March. Please allow us to excerpt its most alarming points:

- *“Cleanliness is lacking both inside and outside with huge amounts of feces collecting on the cage bottom, perches (when present) and in the food water containers.”*
- *“No heat is provided in the outdoor cages and although ventilation is better than the indoor cages, it is still poor in both areas.”*
- *“Water dishes when used are often contaminated with a large amount of fecal material. Water bottles when used were not clean and appeared to be growing algae.”*
- *“As far as I was able to ascertain, these animals receive no regular veterinary care.”*
- *“Many of the birds ... showed obvious signs of illness, dull plumage, protruding keel (thin) and lethargy. Many have congenital or traumatic defects such as foot and beak deformities.”*

Dr. Bennett's opinion appears to be that the situation was dire and that it required immediate and vigorous action. Were Dr. Bennett's assessments accurate, it is difficult to understand why Ms. Scudder was given by your office six months to make improvements after your reported July, 2003 inspection. Please, at least clarify for us what steps were taken by your agency to secure the welfare of the sick and injured animals. And please assure us that Martha Scudder's facility has not gone unmonitored since July.

We are at your service; please let me know how we can help. I can be reached at extension 1578, and look forward to hearing from you.

Thank you for your time and consideration.

Sincerely,

Jean-Regis Gaultier, Cruelty Caseworker  
Domestic Animal Issues & Abuse Department

**ATTACHMENT # 12**

**Report of Animal rights Advocate on Observations at the Scudder Aviary**

**Larry Gallawa**

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**From:** Gr8NayNay@aol.com  
**Sent:** Wednesday, September 17, 2003 8:28  
**To:** larryg@blarg.net  
**Subject:** Martha Scudder Aviary  
Wednesday, September 18, 2003

Larry,

Today I took a trip to Roy, Washington, to see Scudders Aviary for myself. I cried all the way home at what I saw. As I entered the property, there was one llama or alpaca on the left and two burros. Going down the driveway, I was met by about a dozen dogs; Dachsunds, a large white dog, short wire haired dogs and others. I stopped in complete disbelief at what I was seeing. Dozens and dozens of birds. Everywhere. All colors and sizes. Inside and outside. I kept yelling 'hello', trying to get someones attention, but to no avail, so I just walked around and looked.

One small wire pen held 2 very large and very dirty dogs. white St. Bernards, I think...and one small Korgi type. The pen had no house in it for them, it was all dirt and had a turned over large plastic crate with what may have, at one time, been dog food in it. The water was a large bucket which now holds dirt, green slime and is thick. These poor dogs cried as I left and I can still hear it. They are starving.

There are row upon row of exotic, FEDERALLY PROTECTED birds. All colors and sizes and not one of them that I walked up to had a clean cage, the bowls were full of excrement and the water was green slime. These birds will starve to death...a slow and painful death for any living creature. These birds are caged in small confined cages that have not been washed in a long, long time. Hundreds of birds. It is such a sad sight to try to get out of my mind. Even the ones inside the house that I looked at had no better care than those that are outside in the elements. Plastic sheeting that had covered the outside cages hangs in shreds and tatters. These birds are not to be out in the rain and cold that is coming but they will be. Looking at these poor animals made me think of the pictures of faces in Auschwitz and other 'death camps' that held no hope. Just put feathers on those faces and feel their pain and know the despair that is heavy there.

The plight of these birds is in the hands of 'humans'. I know that Martha Scudder has been turned in non-stop for many years and still she is allowed to operate at the expense of these birds health and sanity. Do the people that have the right to demand the removal of these birds and dogs take care of their own families this way? We elect these people to do a job that is not being done!! Animals are like children. Even though they get abused, they forgive. So why isn't someone taking care of these poor creatures and getting them the help and loving homes they deserve? What is all the feet dragging about? THIS IS A CRIME AGAINST GOD! This is a crime against animals and it is a crime when they are left there to make money for a person who has no heart, no conscience. I saw a huge bag of lime under the porch that was opened and spilling on the ground. I shudder when I think what it may be used for.

PLEASE, THEY NEED HELP. DON'T BE AFRAID OF HURTING SOMEONES FEELINGS, FOLKS. THOSE PEOPLE ARE NOT AFRAID TO LET ANIMALS STARVE TO DEATH OR FREEZE TO DEATH OR GET DISEASED AND DIE. THEY HAVE NO FEELINGS TO HURT....THE ONLY THING THEY DO IS CASH THAT PAYCHECK AS THE ANIMALS DIE.

If there is anything that I can do, do not hesitate to call and let me know.

Respectfully,